

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

WESLEY SMITH, #39136

VS.

CLAY MORGAN JOHNSON

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§

CIVIL ACTION NO. 4:22cv471

ORDER OF DISMISSAL


This case was referred to United States Magistrate Judge Kimberly C. Priest Johnson, who issued a Report and Recommendation (Dkt. #13) concluding that Plaintiff's claims and lawsuit against Defendant Clay Morgan Johnson should be dismissed with prejudice pursuant to 28 U.S.C. §§ 1915A and 1915(e). The Report and Recommendation of the Magistrate Judge, which contains proposed findings of fact and recommendations for the disposition of such action, has been presented for consideration. No objections having been timely filed,¹ the Court concludes that the findings and conclusions of the Magistrate Judge are correct and adopts the same as the findings and conclusions of the Court.

It is therefore **ORDERED** that the complaint and all claims against Defendant Clay Morgan Johnson be **DISMISSED** with prejudice. All motions by either party not previously ruled on are hereby **DENIED**.

It is also **ORDERED** that this case counts as a strike for purposes of 28 U.S.C. § 1915(g) and a copy of this Order of Dismissal shall be forwarded to the Administrator of the Three Strikes List for the Eastern District of Texas, Sherman Division.

¹ A copy of the Report and Recommendation was returned as undeliverable on April 3, 2023. (Dkt. #14). Plaintiff has not updated his address with the Court.

So ORDERED and SIGNED this 24th day of April, 2023.



SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE